

Remarks/Arguments

This paper is submitted responsive to the Office Action mailed August 21, 2007. Reconsideration of the application in light of the accompanying remarks is respectfully requested.

The present application contains independent claims 6 and 18, and the Examiner has rejected each of these claims under 35 USC 103 as obvious based upon a combination of prior art references. For the reasons outlined below, reconsideration is respectfully requested.

Starting with claim 6, this claim calls for, among other things, the positioning of a selective oxidizer between the shift converter and the fuel cell, and downstream of where the water feed means feeds water to the second conduit means.

The Examiner has rejected this claim as obvious based upon US 6,458,478 to Wang et al. (hereafter Wang et al.) in view of US 4,046,956 to Fanciullo (hereafter Fanciullo). In making this rejection, the Examiner conceded that Wang et al. is silent as to at least one selective oxidizer between the shift converter and the fuel cell, and located downstream of where the water feed means feeds water to the second conduit means.

The Examiner contends that this lacking in Wang et al. is made up for by Fanciullo, and indicates that Fanciullo teaches a selective oxidizer between the shift converter and the fuel cell. The Examiner then reasons that it would be obvious to modify Wang according to the teachings of Fanciullo to incorporate a selective oxidizer between the shift converter and the fuel cell. However, the Examiner does not at all address the second part of claim 6 dealing with the selective oxidizer, that is, that the selective oxidizer is also located downstream of where the water injection means injects water into the second conduit. In not even addressing this limitation, the Examiner has failed to make a prima facie case for obviousness of this

claim. Furthermore, it is submitted that it would not at all be obvious to place the selective oxidizer where located according to the present application, as the location in the present application serves the stated purpose of the invention as recited in the specification, while no such purpose or motive for such placement is stated in either Wang et al. or Fanciullo. The present specification teaches that this placement of the selective oxidizer is so that any remaining carbon monoxide in the gas stream can be further reduced prior to feeding the gas stream to the fuel cell. If not fed downstream of the water injection point, then reduction would not be as likely to occur as is taught and desired in accord with the present invention. Since this location is for a specific purpose, and it is not at all taught or suggested by any of the art of record, it is submitted that claim 6 is allowable over the art of record, and early and favorable action is requested.

Turning to claim 18, this claim calls for the water injection means to inject liquid phase water. The Examiner concedes that Takeu (the primary reference used to reject claim 18) does not at all disclose this subject matter. Instead, Takeu discloses a very different injection of steam, or vapor phase water. This is critically different in that the water is much more effective to cool when it is introduced in liquid phase. It is submitted that this claim limitation is in fact properly given weight in the present claim, and further that there are surprising results in using liquid phase water. The teaching of liquid phase water in other prior art patents which have been used as secondary prior art should not be seen as evidence that a person of skill in the art would make such a modification.

As to the control, this feature too supports patentability. With Takeo being silent, the Examiner turns to Applicant's

"Admitted Prior Art", which teaches that such control systems themselves are known in the art. The use of such control systems in the present invention is not at all disclosed or suggested by Applicant's APA or any other art of record, and claim 18 should be allowed.

Based upon the foregoing, independent claims 6 and 18 should be allowed, as should their dependent claims.

An earnest and thorough effort has been made to place this application in condition for allowance. If, upon considering this paper, the Examiner is of the opinion that issues remain which could be resolved by telephone interview, the Examiner is invited to telephone the undersigned to discuss same.

It is believed that no fee is due in connection with this paper. If, however, any such fee is due, please charge same to Deposit Account No. 02-0184.

Respectfully submitted,

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